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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,032	12/12/2003	Samuel F. Lamke		2464
38077	7590	11/28/2007	EXAMINER	
PATRICK W. RASCHE			GROSZ, ALEXANDER	
ARMSTRONG TEASDALE LLP			ART UNIT	PAPER NUMBER
ONE METROPOLITAN SQUARE, SUITE 2600				3673
ST. LOUIS, MO 63102-2740				
			NOTIFICATION DATE	DELIVERY MODE
			11/28/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cdelacruz@armstrongteasdale.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/735,032	LAMKE, SAMUEL F.
Examiner	Art Unit	
Alexander Grosz	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10/31/07

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1, 21-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) 24-38 is/are allowed.  
6)  Claim(s) 1, 21-23 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 11/16/07  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

Applicant correctly points out that a requested specification change has been made in the amendment dated 2/3/06.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19,21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, as originally filed, does not describe the structure what is set forth in claim 1. It is not seen where, in the originally filed specification, there is basis for an air mattress, that is removably insertable into the enclosure bag 56, as having a perimeter with a fastener to releasably fasten the perimeter of the air mattress to the sleeping bag.

As stated on page 3, lines 11-15, of the office action dated 5/26/04, no clear and sufficient description was found for the invention of figures 3A-3C.

In the office action dated 7/19/07, a restriction requirement was made between the patentably distinct species of the invention of figures 1,2 and the invention of figures 3A-3C. Figures 1,2 are seen as disclosing a combination of a sleeping bag, and an air mattress with a perimetral extension or flange that is releasably attachable to the sleeping bag. Patent Number 6,675,414 was issued to this invention.

Figures 3A-3C are seen as disclosing a sleeping bag with an enclosure bag attached thereto, with the enclosure bag adapted to releasably accommodate an air mattress.

It appears that applicant is attempting to claim a sleeping bag having an enclosure bag (56) coupled to its bottom layer in which an air mattress is insertable, with a perimeter of the air mattress FASTENABLE to the enclosure bag. In the specification, as originally filed, the air mattress is removable from the enclosure bag, with no disclosure to the air mattress being FASTENABLE, at its perimeter, to the to enclosure bag or to the sleeping bag.

It is noted that figure 3D fails to show a perimeter 15, which is releasably FASTENED to either the enclosure bag or the sleeping bag.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

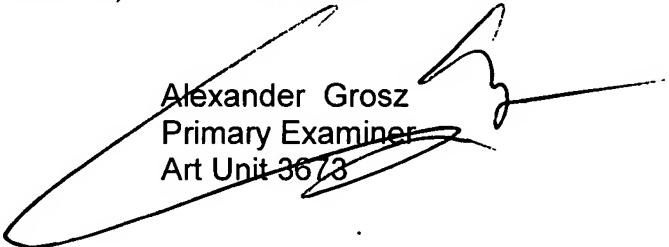
Claims 19,21-23 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed above, it is not clear how a second fastener fastens the perimeter of the air mattress to the enclosure bag or the sleeping bag.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Grosz whose telephone number is 571-272-7041. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alexander Grosz  
Primary Examiner  
Art Unit 3673

11/16/07  
ag